



The California Energy Commission Certifying Thermal Power Plants

The California Energy Commission is responsible for the certification and compliance of thermal power plants 50 megawatts (MW) and larger, including all project-related facilities in California. The agency's jurisdiction covers publicly and privately-owned lands.

Through its certification process, the Energy Commission ensures that power plants and related facilities are reviewed expeditiously and authorized if they are safe and environmentally acceptable.

Assessing Power Plant Impacts

To develop new thermal power plants in California that are 50 MW and larger, developers are required to file an application for certification (AFC) describing the proposed project, the existing setting, expected environmental impacts, measures for eliminating or minimizing these impacts, and compliance of the project with all applicable laws, ordinances, regulations and standards (LORS).

Once received, the Energy Commission begins its one-year transparent certification process. The first step is a determination by the Energy Commission that sufficient information has been submitted so that the AFC can be reviewed. The Energy Commission then appoints a committee of two Commissioners to oversee the review and evaluation proceeding.

The next step is the information discovery phase when the Energy Commission staff issues data requests to a project developer for further clarification of the AFC. Public workshops are held to discuss these requests and the developer's

responses. During this phase the public can voice concerns with the goal of reaching consensus on issues raised during the process.

Site visits are conducted by the Energy Commission and public information hearings are also held to better inform the agency's decision on a project.

After completing its analysis, the Energy Commission staff publishes a preliminary staff assessment. Public comments are solicited, and responses are included in the final staff assessment, which is followed by evidentiary hearings on the findings.

Based on the analyses and evidentiary hearings, the Presiding Commissioner proposes a decision on the project. After a public comment period, a revised proposed decision is presented to the full Energy Commission for a final vote at a Commission business meeting.

Coordinating and Streamlining

The Energy Commission's project certification process supersedes local and state permits generally required for thermal power plant projects 50 MW and larger. The process requires lining up and incorporating other local, state, and federal agency environmental permitting processes and decisions so that they can be incorporated into the Energy Commission's certification process.

There are times when project developers need to obtain additional approvals after being certified by the Energy Commission. This depends on final designs and can include, for instance, getting a road encroachment permit and a federal Prevention of Significant Deterioration permit.

Participating

Throughout the certification process, Energy Commission staff acts as an independent party. Staff's role is to provide comprehensive expert analyses and recommendations to the assigned project committee, which considers recommendations and testimony from staff, the project applicant, intervenors, and other participants.

These participants can include the Energy Commission's Public Adviser, individuals and community groups, and agency staff representing local, regional, state, and federal government agencies that have a permitting role or an overall interest in the project.

Participants can petition for intervenor status to receive all project filings and the opportunity to present testimony and cross-examine witnesses. Intervenors typically include individuals, neighborhood and community groups, local governments, public interest advocates for environmental protection and renewable energy resources, the project applicant's competitors, and groups representing organized labor involved in building the project.

Complying With Certification

Certified power plants are subject to the Energy Commission's compliance process, which involves reviewing construction plans, plans to minimize environmental impacts, and implementation of the adopted conditions of certification for the life of the project.

During construction, the Energy Commission's delegate chief building official monitors the facility's compliance with the California Building Code and the Energy Commission decision. The Energy Commission monitors the site and structures to protect California's people and natural resources.

Once the power plant is operational, the Energy Commission continues to monitor the project for compliance with each condition and conformance with local, state, and federal LORS.

The Energy Commission also oversees power plant closure activities and site restoration. If a project owner petitions for amendments to the Energy Commission's final decision on the project, the Energy Commission is required to analyze the proposed changes in an open public process. Members of the public may file complaints or request investigations of power plants during the life of a project to ensure that the project complies with applicable LORS. Complaints and investigations are publicly noticed.

The Energy Commission's thermal power plant certification and compliance processes ensures that projects are reviewed in an open process, environmental impacts are reduced and mitigated, and projects conform to applicable LORS. These processes protect California's natural resources and communities while maintaining electricity reliability for all Californians.

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